

GRANT APPLICATIONS MUST BE UPLOADED TO THE
COMMISSION'S ELECTRONIC REGULATORY FILING (ERF)
SYSTEM AT ITS WEBSITE <http://psc.wi.gov>:

REQUEST FOR APPLICATIONS

THIS IS NOT AN ORDER
Applicant (Name and Address)

A late application will be rejected. The application MUST be date and time stamped on or before the date and time that the application is due. If dated and time stamped in another office, the application will be rejected. The application is public unless otherwise specified. Records will be available for public inspection after issuance of the grant.

Applications MUST be **UPLOADED** to **ERF** by going to the Commission's website, entering 5-GF-237 in the box labeled "Link Directly to a Case," and selecting "GO."

And must be uploaded no later than:
4:00 pm Central Time
on MARCH 21, 2014

Name (Contact for further information)

Dennis Klaila, Policy Analyst, Division of Business & Communications Services

Phone

608-267-9780

e-mail

dennis.klaila@wisconsin.gov

Description

The Public Service Commission of Wisconsin is accepting applications for **Broadband Expansion Grants**. The Commission may award one or more grants that, in the aggregate, do not exceed an annual total of \$500,000 during Fiscal Year 2014 to public and private entities that meet the eligibility requirements set forth in Wis. Stat. § 196.504. Successful applicants will demonstrate a clear and achievable plan to improve broadband communications services in one or more underserved areas in the state.

In signing this application, the undersigned verifies under penalty of perjury that the Applicant and its employees and agents have not, either directly or indirectly, entered into any agreement or participated in any collusion or otherwise taken any action in restraint of free competition with respect to this application; that no attempt has been made to induce any other person or firm to submit or not to submit a application; that this application has been independently arrived at without collusion with any other proposer, competitor or potential competitor; that this application has not been knowingly disclosed prior to the opening of applications to any other applicant or competitor; that all of the responses and representations of Applicant in this application are true and correct to the best of the undersigned's knowledge, information, and belief; and that Applicant agrees to, accepts, and will comply with all of the terms and conditions respecting this application and any award of a Broadband Expansion Grant as may be established in a Grant Award Agreement.

Name of Authorized Company Representative (Type or Print)	Title	Phone ()	
		Fax ()	
Signature of Above	Date	Federal Employer Identification No.	Social Security No. if Sole Proprietor (Voluntary)

This form can be made available in accessible formats upon request to qualified individuals with disabilities.

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GENERAL INFORMATION

1.1 Introduction and background

The purpose of this application form is to permit an applicant to prepare and submit an application for a Broadband Expansion Grant authorized under Wis. Stat. § 196.504, and to secure from the applicant its acceptance and agreement to the evaluation process and ultimate execution of a Grant Award Agreement if applicant is an awardee.

1.2 Scope of the broadband project

1.2.1 Project description

Applicants eligible under Wisconsin Statute § 196.504 may apply for a grant of up to \$500,000 to offset the construction costs of extending broadband service in underserved areas of the state.

1.2.2 Objectives

- a. Permit individuals that reside in areas of the state that have fewer than two broadband service providers to have the opportunity to subscribe to broadband service.
- b. Ensure that grant funds are used for the construction of broadband facilities and are not used to subsidize the expenses of a telecommunications provider or the monthly bills of telecommunications customers.

1.3 Procuring and contracting agency

The Public Service Commission of Wisconsin is making available this application to interested persons and is the sole point of contact for the State of Wisconsin during the selection process. The person responsible for managing the grant process is Dennis Klaila, Division of Business and Communications Services.

The grant award resulting from this application process will be reduced to a Grant Award Agreement, executed by the applicant and the Public Service Commission of Wisconsin, and administered by the Commission. The grant administrator will be Sarah Klein, Administrator, Division of Business and Communications Services.

1.4 Definitions

The following definitions are used throughout the application.

Agency or Commission means the Public Service Commission of Wisconsin.

Applicant means an individual or organization submitting an application in response to this request for grant applications.

Broadband service means a communications service providing to end users, at a minimum, two-way data transmission with speeds of at least 3 mbps for download transmission and 768 kbps for upload transmission, but does not include a broadband service in which a stand-alone satellite provider connects directly to the end user with a satellite connection.

Grantee means applicant awarded the grant.

State means State of Wisconsin and includes the Commission.

Underserved area means an area delimited by a census block boundary, as defined by the US Department of Commerce, that is served by fewer than 2 broadband service providers, or an area that an applicant has demonstrated in its application is underserved notwithstanding the fact that the proposed service area lies within a census block that has been designated as served.

1.5 Clarification and/or revisions to the specifications and requirements

Any questions concerning this application must be submitted in writing via email on or before February 27, 2014, to:

Email address:
PSCStatebroadbandoffice@wisconsin.gov

Subject line:
Broadband Expansion Grant Application Question

The applicant is expected to raise any questions, exceptions, or additions it may have concerning the application by February 27, 2014. If applicant discovers any significant ambiguity, error, conflict, discrepancy, omission, or other deficiency in this application, the applicant should notify the Public Service Commission immediately by emailing statebroadband@wisconsin.gov. The applicant should describe the error and request modification or clarification of the application.

In the event that it becomes necessary to provide additional clarifying data or information, or to revise any part of this application, revisions/amendments and/or supplements will be provided to all known recipients of this application form.

Any contact with agency employees concerning this application is prohibited, except as authorized by the application manager (Dennis Klaila) during the period from date of release of the application until the date on which the grant award is released.

1.6 Reasonable accommodations

The Commission will provide reasonable accommodations, including the provision of informational material in an alternative format, for qualified individuals with disabilities upon request. If believed needed, such accommodations may be arranged by contacting Cath Kittle at 608-266-3546 (voice) or 608-267-1479 (TTY).

1.7 Calendar of events

Listed below are dates and times of actions related to this application. In the event that the Commission finds it necessary to change any of the dates and times in the calendar of events listed below, it will do so by issuing a supplement to this application.

DATE	EVENT
January 21, 2014	Date of issue of the application
February 27, 2014	Last day for submitting questions and requests for clarification
March 21, 2014	Due date for applicant to file application
May 15, 2014	Notification of award(s) sent to applicant(s)
May 30, 2014	Anticipated start date for all grant awards upon execution of Grant Award Agreement(s)

1.8 Grant term and funding

Any Broadband Expansion Grant award approved by the agency will expire automatically and without notice on the last day of the twenty-fourth month following the month in which the Commission executes a Grant Award Agreement with a successful applicant. Upon expiration, any unused balance in a grant award account or purchase order will be reallocated to an appropriate reserve fund. A grantee may request a

waiver of this expiration. A waiver request should provide an explanation for the project delay and a schedule for completing the project. Grant of a waiver request is in the sole discretion of the Commission.

2.0 PREPARING AND SUBMITTING AN APPLICATION

2.1 General instructions

The evaluation of an application and selection of the applicant for an award will be based on the information submitted in this application. Failure to respond to each of the requirements in the application may be the basis for Commission rejection of the application.

An elaborate application (e.g., expensive artwork) beyond that sufficient to present a complete and effective application, is not necessary or desired.

2.2 Incurring costs

Neither the Commission nor the state of Wisconsin is liable for any cost incurred by the applicant in preparing this application.

2.3 Submitting the application

The applicant **must** submit an electronic PDF copy of all materials required for acceptance of their application by 4:00 p.m. (16:00) Central Time on **March 21, 2014**.

The application must be uploaded to the Commission's Electronic Regulatory Filing (ERF) system in docket 5-GF-237 by the specified time stated above. The upload process is described at the top of page 1. When asked for a description by ERF, the applicant shall insert "Broadband Expansion Grant Application." All applications will be electronically time-stamped when uploaded properly. Receipt of an application by the state mail system or United States Postal Service does not constitute receipt of an application for purposes of this grant.

The applicant must contact the application manager, Dennis Klaila, at telephone number 608-267-9780 or email Dennis.Klaila@wisconsin.gov, by 4:00 p.m. (16:00) on March 20, 2014, if assistance is needed in submitting an application electronically.

2.4 Designation of Confidential and Proprietary Information

If the applicant desires confidential treatment of portions of its application, it must complete the form in Appendix A, "Designation of Confidential and Proprietary Information (Form DOA-3027)." **Notwithstanding the foregoing, the part of the application describing the underserved area(s) sought to be served by applicant's proposed project(s) must be public.** In addition, the applicant is aware that confidential handling of information in portions of its application is not a determination of confidential treatment by the Commission for purposes of Wisconsin's Open Records Law, Wis. Stat. §§ 19.31 to 19.39.

2.5 Multiple Applications

Multiple applications from the applicant will be permissible; however, each application must conform fully to the requirements for submission. Each additional application must be submitted separately and labeled as Application #1, Application #2, etc. on each of its pages.

2.6 Withdrawal of applications

The applicant may withdraw an application in writing at any time by submitting a written withdrawal request, signed by an authorized representative of the applicant, via ERF. The withdrawal will be effective upon receipt. If a submitted application is withdrawn by the applicant before the due date and time, the applicant may submit another application at any time up to the application closing date and time.

3.0 GENERAL APPLICATION REQUIREMENTS

3.1 Application organization and format

The application should be typed. A handwritten application will not be accepted. The application should be in a profile format on an 8.5 x 11 inch paper size and submitted in an electronic PDF format. The applications must be organized with the headings and subheadings in Section 3.2 that are marked in bold font. Each heading and subheading should be separated by tabs or otherwise clearly marked.

3.2 Mandatory application requirements

The following requirements are mandatory and the applicant must satisfy them.

3.2.1 An applicant must include the following information in its application to be eligible for this grant and the application must demonstrate satisfaction of indicated requirements.

3.2.1.1. **Applicant identification and contact information**

- a. The name of the entity applying for the grant, and the mailing address, telephone number and e-mail address of one or more contact persons representing the entity.
- b. If the application proposes a public-private partnership, the identity and contact information for all application partners.
- c. Requirement. The application must show that the applicant is an organization, a telecommunications utility, or a city, village, town, or county that has established a legal partnership or joint venture arrangement with an otherwise qualified organization or telecommunications utility, and as such meets the eligibility requirements set forth in Wis. Stat. s. 196.504(1).

3.2.1.2. **Description of the project**

- a. A map and description of the area of the state that will be affected by the proposed project. If the area to be served lies within a census block designated as served, additional documentation to demonstrate the actual broadband service available in the proposed area of service.
- b. An explanation of how the proposed project will increase broadband access.
- c. A statement whether the proposed project is targeting the “last mile,” “middle mile,” or “backbone” infrastructure.
- d. A description of the broadband service to be provided, including estimated download and upload speeds, whether that speed is based on dedicated or shared bandwidth, and the technology that will be used. This description may be illustrated by a map or schematic diagram, as appropriate.
- e. A schedule by which the applicant intends to complete the components of the proposed project.

3.2.1.3. **Itemized statement of funding request**

- a. An itemized statement of the investment and construction costs of the proposed project. This statement should include a price list or quote for any equipment the applicant intends to purchase, and salary information or similar information for any labor and training costs associated with the project. This statement should also indicate whether the facilities involved would be owned, rented or leased.

- b. Requirement. The application must show that the grant, if awarded, will not subsidize the expenses of a telecommunications provider or the monthly bills of telecommunications customers. For purposes of this grant program, subsidy means a contribution to the operating costs, including profit, of the telecommunications provider.
- c. A summary showing a separate listing of itemized expenditures to be covered by each revenue source including grant funds and matching funds.
- d. Requirement. The application must show that the grant funds requested will be used for the sole purpose of constructing broadband infrastructure in the underserved areas covered by the application. Construction of broadband infrastructure may include any of the following:
 - Project planning.
 - Obtaining construction permits.
 - Construction of facilities, including construction of both “middle mile” and “last mile” infrastructure.
 - Installation and testing of the broadband service

3.2.1.4. **Priority factors supporting the application**

- a. A description of the matching funds the applicant will invest in the proposed project, if any.
- b. A description of any public-private partnership involved in the project.
- c. A list of the broadband service providers, if any, currently serving the area the applicant proposes to serve.
- d. A description of the geographic area and the population, both in terms of absolute numbers and likely users, which will be served by the proposed project. Indicate the residence versus business customer impacts, if known.

3.2.1.5. **Other information supporting the application**

- a. An enumeration and description of expected secondary benefits from the proposed project, if any.
- b. A description of applicant’s history or experience constructing broadband communications facilities in the state and elsewhere.
- c. Any other equitable factor that the applicant desires to include.

4.0 APPLICATION SELECTION AND AWARD PROCESS

4.1 Preliminary evaluation

The application will be reviewed initially to determine if mandatory requirements are met. Failure to meet mandatory requirements will result in rejection of the application. In the event that all applicants do not meet one or more of the mandatory requirements, the Commission reserves the right to continue the evaluation of all concurrently filed and active applications and to award a grant to the applicant whose application most closely meets the application requirements.

4.2 Application scoring

Upon acceptance, this application (applications that meet the format requirements) and all other concurrent and active applications will be reviewed by an evaluation committee and scored against the criteria stated in Section 4.3. An applicant may not contact any member of the evaluation committee except at the state’s direction. The evaluation committee’s scoring will be tabulated and the applications, together with the rankings and comments of the evaluation committee, will be forwarded to the Commission for final decision.

4.3 Evaluation criteria

- 4.3.1 Applications will be rated using the applicant’s response to the requirements in Section 3.0.

- 4.3.2 Mandatory information must be included in an applicant's response for grant eligibility. An application with incomplete responses to the mandatory requirements in Section 3.1 will be rejected. An applicant must submit a response to each provision of Sections 3.2.1.1 through 3.2.1.5.
- 4.3.3 An applicant must include information in its response that demonstrates and verifies it meets the requirements in Sections 3.2.1.1.c. and 3.2.1.3.b. and d. An applicant that does not meet the specified requirements will be rejected.
- 4.3.4 After review pursuant to Sections 4.3.2. and 4.3.3., the committee shall review the applications based upon the following factors:
- a. Matching funds. An application will receive higher priority based on the amount and type of matching funds to be provided.
 - b. Public-private partnerships. An application that includes a city, village, town, or county as a participating partner shall receive priority.
 - c. Existing broadband service. An application proposing to serve an underserved area with no current broadband service providers shall receive priority.
 - d. Project impact. An application that proposes to serve a larger geographic area or a larger number or all of the customers or communities in an area shall receive higher priority than one that would serve only a smaller geographical area or a smaller portion of potential customers or communities in an area.
 - e. In addition to the above, the evaluation committee may give weight to the following factors.
 - i. The total number of persons served by a given application when compared to applications of equal priority.
 - ii. The download and upload transmission speeds the application proposes to provide.
 - iii. The secondary benefits of the proposed project, if any.
 - iv. Any one or more of the public interest factors in Wis. Stat. § 196.03(6) that the applicant demonstrates would be specifically and materially advanced by applicant's project.
- 4.4 Right to reject applications and negotiate grant terms
- The agency reserves the right to reject this and any other application. The agency may negotiate the terms of the grant award, including the award amount, with the selected applicant prior to offering the grant. If negotiations cannot be concluded successfully with an applicant, as determined solely by the agency, the agency may withdraw its award offer.
- 4.5 Award and final offers
- The agency will consider priority ranking in making awards consistent with Wisconsin Statute § 196.504. The applicant may be requested by the agency to submit supplemental information, consistent with the application requirements. Supplemental information will be evaluated against the stated criteria by the evaluation committee to determine award amounts.
- 4.6 Notification of intent to award
- All entities and organizations that respond to this application will be notified in writing of the agency's intent to award the grant(s) as a result of this process.
- 4.7 No appeal process
- Wisconsin Statute s. 196.504 does not specify an appeal process. However, the applicant may have other general remedies under other provisions of Wisconsin Statute chs. 196 and 227 to protest or appeal if it believes it is aggrieved by any final award determination of the Commission. This provision is for information purposes only and is not a determination by the Commission that the applicant has any protest or appeal rights.

5.0 GRANT AWARD AGREEMENT AND TERMS AND CONDITIONS

5.1 Grant Award Agreement

Those organizations or entities receiving a notice of intent to award a grant under Section 4.6 will be required to enter into a Grant Award Agreement with the Commission, signed by both the applicant and authorized representatives of the Commission. The Grant Award Agreement shall incorporate the provisions of this application, with or without modifications, and such additional terms, and conditions that the Commission may in its discretion require as a condition of receipt of the Broadband Expansion Grant and to ensure accomplishment of the purpose of Wisconsin Statute § 196.504.

5.1.1. The Grant Award Agreement will constitute the entire agreement of the state and the applicant and will supersede any representations, commitments, conditions, or agreements made orally or in writing prior to execution of the Grant Award Agreement.

5.1.2. The agency reserves the right to incorporate in a Grant Award Agreement standard State contract provisions into any contract negotiated with any individual or organization submitting a response to this application, insofar as consistent with terms and purpose of Wisconsin Statute s. 196.504. See the forms setting forth state contract provisions, Standard Terms and Conditions (DOA-3054) and Supplemental Standard Terms and Conditions for Procurements for Services (DOA-3681) as uploaded to the Commission's ERF system in docket 5-GF-237. Failure of the successful grantee to accept these obligations in a contractual agreement may result in cancellation of the award.

5.2 Payment requirements and payment scheduling

Grantees with approved grant applications may submit a request for reimbursement of expenses incurred upon completion of all construction activity and after the broadband service is constructed or installed and in operation.

An applicant may propose, either as part of the application or in a separate post-award filing, a schedule of partial payments based upon completion of specified construction milestones. The specified milestones must be measurable and conform to common construction practices. If approved, a grantee may submit a request for reimbursement of expenses incurred upon completion of a scheduled construction milestone.

A request for reimbursement shall include all of the following:

- A paid invoice to document the actual cost of any approved purchase from a vendor or supplier.
- If available, a copy of the check stub used to make a payment to a vendor.
- Appropriate documentation, such as time slips for work performed by employees, to verify that any internal costs approved for reimbursement were actually incurred.
- Any other documentation that the agency may request to ensure that the moneys disbursed by grant have been used in the manner proposed by the applicant and approved by the agency.

Any matching funds proposed by the applicant in its application will be applied on a percentage basis to each invoice submitted.

5.3 Reporting requirements

A grant awardee may be required to provide one or more interim statements reporting on the status of their grant project.

The agency will request that each grant awardee submit a final report evaluating its project. The purpose of this report is to advise the agency on how it may improve the grant program to better target existing demand for broadband service in the state and how it may improve the efficiency of the grant program's administrative requirements.

5.4 Termination of grant and Grant Award Agreement

The agency may terminate the Grant Award Agreement, and thereby the grant, at any time at its sole discretion by delivering ten (10) days written notice to the applicant. Upon termination, the agency's liability will be limited to the pro rata cost of the services performed as of the date of termination plus expenses incurred with the prior written approval of the agency. In the event that the applicant terminates the grant award, for any reason whatsoever, it will refund to the agency within 30 days of said termination, all payments made hereunder by the agency to the applicant for work not completed or not accepted by the agency. Such termination will require written notice to that effect that is delivered by the applicant to the agency not less than ten (10) days prior to said termination.

APPENDIX A
DESIGNATION OF CONFIDENTIAL AND PROPRIETARY INFORMATION

The attached material submitted as an application to the Broadband Expansion Grant includes proprietary and confidential information which qualifies as a trade secret, as provided in s. 19.36(5), Wis. Stats., or is otherwise material that can be kept confidential under the Wisconsin Open Records Law. As such, we ask that certain pages, as indicated below, of this application be treated as confidential material and not be released without our written approval.

Prices always become public information when bids/proposals/applications are opened, and therefore cannot be kept confidential.

Other information cannot be kept confidential unless it is a trade secret. Trade secret is defined in s. 134.90(1)(c), Wis. Stats. as follows: "Trade secret" means information, including a formula, pattern, compilation, program, device, method, technique or process to which all of the following apply:

1. The information derives independent economic value, actual or potential, from not being generally known to, and not being readily ascertainable by proper means by, other persons who can obtain economic value from its disclosure or use.
2. The information is the subject of efforts to maintain its secrecy that are reasonable under the circumstances.

We request that the following pages not be released. Please state the reasons.

Section	Page #	Topic

IN THE EVENT THE DESIGNATION OF CONFIDENTIALITY OF THIS INFORMATION IS CHALLENGED, THE UNDERSIGNED HEREBY AGREES TO PROVIDE LEGAL COUNSEL OR OTHER NECESSARY ASSISTANCE TO DEFEND THE DESIGNATION OF CONFIDENTIALITY AND AGREES TO HOLD THE STATE HARMLESS FOR ANY COSTS OR DAMAGES ARISING OUT OF THE STATE'S AGREEING TO WITHHOLD THE MATERIALS.

Failure to include this form in the bid/proposal/application response may mean that all information provided as part of the bid/proposal/application response will be open to examination and copying. The state considers other markings of confidential in the bid/proposal/application document to be insufficient. The undersigned agrees to hold the state harmless for any damages arising out of the release of any materials unless they are specifically identified above.

Company Name_____

Authorized Representative_____

Signature

Authorized Representative_____

Type or Print

Date_____

This document can be made available in accessible formats to qualified individuals with disabilities